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| 09/869,434      | 06/28/2001  | Renaud Mariana       | T2146-907342        | 3870             |

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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER

HA, LEYNNA A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,434

Applicant(s)

MARIANA, RENAUD

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant have cancelled the originally filed claims 1-10.  
Applicant added new claims 11-18.
2. Claims 11-18 are rejected under 35 U.S.C. 102(e).
3. This is a Final rejection necessitated by new grounds of rejection.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated over Ginter, et al. (US 5,910,987).**

**As per claim 1:**

Ginter discloses an assembly comprising:

a smart card and a terminal designed to communicate with at least one web server via an internet network, the terminal having a main part and a peripheral part, the peripheral part residing in a tamper-resistant enclosure

and including a smart card reader for receiving the smart card, **[col.39, lines 14-35]**

the main part of the terminal comprising:

a first module for establishing a communication between the main part and the web server in accordance with an internet communication protocol via two stacks of open-systems-interconnection layers specific to the internet communication protocol, one of said two stacks residing in said first module and the other stack residing in the web server; **[col.42, lines 14-20 and col.100, lines 8-30]**

the peripheral part of the terminal further comprising:

a second module for establishing a communication **[col.43, line 65 – col.44, line 2]** between the peripheral part and the main part in accordance with a peripheral-device- communication protocol via two stacks of open-systems-interconnection layers specific to the peripheral-device-communication protocol, one of said two stacks residing in the second module and the other stack residing in said first module; **[col.89, lines 6-50 and col.100, lines 7-17; Ginter include the plurality of protocol stacks wherein discusses communicating through an OSI which OSI is also known as protocol stack. Ginter discusses each node can communicate with the object switch through an OSI and also discusses being able to communicate with external nodes using various protocols.]**

the smart card comprising:

a smart card communication module for establishing communication between the smart card **[col.228, lines 29-34]** and the peripheral part in accordance with a smart card communication protocol via two stacks of open-system-interconnection layers specific to the smart-card-communication protocol, one of said two stacks residing in the smart card communication module and the other stack residing in said second module; and **[col.100, lines 7-17]**

wherein each of said two stacks of open-systems-interconnection layers specific to the peripheral-device-communication protocol and each of said two stacks of open-systems- interconnection layers specific to the smart card communication protocol are provided with a software element **[col.79, lines 56-64 and col.233, lines 53-65]** called an intelligent-agent having protocol conversion functions so that an internet communication between an application residing on the smart card **[col.229, lines 1-7]**, and an application residing on the web server is established via the respective stacks of open-systems-interconnection layers provided with the respective intelligent-agents. **[col.230, lines 23-45 and col.279, lines 22-28]**

**As per claim 12: See col.58, lines 25-29 and col.100, lines 8-37;**

discussing said main part comprises a web browser, said internet communication protocol for communication between the main part and the web server including the HTTP/TCP-IP protocol with URL addressing,

comprising an IP internet address element and a port number for the selection of said terminal and of an internal element of said terminal.

**As per claim 13: See col.58, lines 25-29 and col.100, lines 7-17;**

discussing said peripheral part also comprises at least one data entry keyboard and at least one enclosure HTTP server disposed between said keyboard and said second module.

**As per claim 14: See col.279, lines 22-26 and col.280, lines 34-45;**

discussing peripheral part comprises at least one additional computing resource connected to said HTTP server.

**As per claim 15: See col.35, lines 57-60;** discussing additional computing resource is a biometric authentication device.

**As per claim 16: See col.279, lines 22-26 and col.280, lines 34-45;**

discussing the smart card includes means for storing several software applications and also comprises a card HTTP server disposed between said storing means and said smart card communication module, said card HTTP server being adapted for selectively activating at least one of said software applications upon reception of a request coming from said second module and transmitting requests sent by said applications to said smart card communication module.

**As per claim 17: See col.229, lines 1-7 and col.230, lines 23-45;**

discussing smart card also comprises a software entity capable of interpreting an instruction set conveyed by said data received from said smart card

communication module, and of translating the instruction set into a set of commands [col.37, lines 35-39 and col.79, lines 56-64], said translated commands set being associated with one of said software applications to be activated in said smart card.

**As per claim 18: See col.39, lines 14-45 and col.228, lines 29-34;**

discussing web server stores a merchant software application designed to be placed in interactive communication with at least one of said software applications of said smart card via said first, second and smart card communication modules.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa

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